

09/407,664

99AB173

REMARKS

Claims 40-79 are currently pending in the subject application and are presently under consideration. Claims 40, 50, 59, 69, 70, 74 and 79 have been amended herein to point out additional novel aspects of the subject invention. It is believed that the amendments do not raise new issues that would require an additional search by the Examiner. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 40, 42-49, 59, 61-66, 69-70, 72-76, 78 and 79 Under 35 USC §102(b)

Claims 40, 42-49, 59, 61-66, 69-70, 72-76, 78 and 79 stand rejected under 35 USC §102(b) as being anticipated by Ogushi, *et al.* (US 6,385,497). It is respectfully submitted that this rejection should be withdrawn for at least the following reason. Ogushi, *et al.* does not teach or suggest each and every element of the subject claims.

A single prior art reference anticipates a patent claim only if it expressly or inherently describes each and every limitation set forth in the patent claim. *Trintec Industries, Inc., v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 U.S.P.Q.2d 1597 (Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the ... claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Independent claim 40 (and similarly independent claims 50, 59, 69, 70, 74 and 79) has been amended herein to recite the status information comprises component source information, vendor site address information, component type information, customer site information and component health information. Such information can be employed to more efficiently locate and remedy deleterious conditions that occur in relation to factory automation components, for example. Ogushi *et al.* does not teach such claimed aspects of the subject invention.

More particularly, Ogushi *et al.* does not teach or suggest component source information, vendor site address information, component type information, customer site

09/407,664

99AB173

information and component health information. Rather, Ogushi *et al.* merely discloses employing component health information related to industrial equipment which makes locating and solving equipment problems associated with such equipment more difficult.

Moreover, Ogushi, *et al.* does not teach or suggest means for matching a factory automated component location and customer identification information with status information provided by the factory automated component, as recited in claim 69. Ogushi, *et al.* describes receiving information about the equipment by a host computer on the vendor side and looking up maintenance information representing the operating state and the maintenance state "from computers in other departments of the vendor, *e.g.*, computers in the manufacturing department and the department of development in addition to the department of maintenance. The maintenance information can be fed back to the manufacturing department and the department of development" (col. 3, line 49 - col. 4, line 2).

In addition, Ogushi *et al.* does not teach or suggest means for searching a database including comparing received component information with component information contained in the database. Instead, Ogushi *et al.* only describes employing a database to look up trouble information. Further, in Ogushi *et al.* the database only contains trouble information that has been reported in the past. If a machine has not reported trouble information in the past, the database is empty. In the present invention, searching the database will provide information such as whether product upgrades are available, whether maintenance should be scheduled, or that there might be a safety issue or application solution that might be helpful to the customer.

For the aforementioned reasons, Ogushi, *et al.* does not teach or suggest claims 40, 42-49, 59, 61-66, 69-70, 72-76, 78 and 79. Accordingly, this rejection should be withdrawn.

II. Rejection of Claims 50, 52-58, 60 and 77 Under 35 USC §103(a)

Claims 50, 52-58, 60 and 77 stand rejected under 35 USC §103(a) as being unpatentable over Ogushi, *et al.* (US 6,385,497) in view of Sekizawa (US 6,430,711). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Ogushi, *et al.* and Sekizawa, individually and in combination, do not teach or

09/407,664

99AB173

suggest all the claim limitations of the subject claims.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP §706.02(j).

Independent claim 50 recites an Internet business communication system for receiving factory automation component status information. Claim 50 has been amended to recite the status information comprises component type information, component health information, customer name information, customer site information and component location information. Neither Ogushi, *et al.* nor Sekizawa teach or suggest such limitations as recited in the subject claims.

More particularly, Ogushi *et al.* does not teach or suggest component type information, component health information, customer name information, customer site information and component location information. Rather, Ogushi *et al.* merely discloses employing component health information related to industrial equipment which makes locating and solving equipment problems associated with such equipment more difficult.

For the above-mentioned reasons, neither Ogushi, *et al.* nor Sekizawa teach or suggest claim 50 (or dependent claims 52-58, 60 and 77) and this rejection should be withdrawn.

III. Rejection of Claim 41 and 71 Under 35 USC §103(a)

Claims 41 and 71 stand rejected under 35 USC §103(a) as being unpatentable over Ogushi, *et al.* (US 6,385,497) in view of Chamberlin, *et al.* (US 4,703,325). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons.

Claims 41 and 71 depend from independent claims 40 and 70 respectively and Chamberlin, *et al.* fails to make up for the aforementioned deficiencies of Ogushi, *et al.*

09/407,664

99AB173

This is with respect to monitoring the health of each industrial component on a periodic basis, using a direct means of communicating with the industrial component and assigning a unique IP address to each industrial component. For the above-mentioned reasons, it is submitted that neither Ogushi, *et al.* nor Chamberlin, *et al.* make obvious claims 41 and 71. Accordingly, withdrawal of this rejection and allowance of claims 41 and 71 is respectfully requested.

IV. Rejection of Claim 51 Under 35 USC §103(a)

Claims 51 stands rejected under 35 USC §103(a) as being unpatentable over Ogushi, *et al.* (US 6,385,497) in view of Sekizawa (US 6,430,711) in further view of Chamberlin, *et al.* (US 4,703,325). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Claim 51 depends from independent claim 50 and Sekizawa in combination with Chamberlin, *et al.* fail to make up for the aforementioned deficiencies of Ogushi, *et al.* Accordingly, withdrawal of this rejection and allowance of claim 51 is respectfully requested.

V. Rejection of Claims 67 and 68 Under 35 USC §103(a)

Claims 67 and 68 stand rejected under 35 USC §103(a) as being unpatentable over Ogushi, *et al.* (US 6,385,497) in view of Chamberlin, *et al.* (US 4,703,325) in further view of Sekizawa (US 6,430,711). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Ogushi, *et al.*, Chamberlin, *et al.* and Sekizawa individually or in combination do not teach or suggest all the limitations of the subject claims.

In particular, neither Ogushi *et al.* nor Chamberlin *et al.* teach or suggest a status message including health information relating to the factory automation component, as defined in the specification of the application. Rather, both cited references are only directed to sending trouble information or error codes. Further, neither Ogushi *et al.* nor Chamberlin *et al.* teach or suggest the factory automation component having an IP address. Rather, IP addresses associated with each factory automation component are absent from both references. Accordingly, the combination of Ogushi *et al.* and

09/407,664

99AB173

Chamberlin *et al.* do not make obvious claim 67. Withdrawal of this rejection and allowance of claim 67 and claim 68, which depends therefrom, are respectfully requested.

VI. Conclusion

The present application is believed to be in condition for allowance, in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

AMIN & TUROCY, LLP



Himanshu S. Amin
Reg. No. 40,894

AMIN & TUROCY, LLP
24TH Floor, National City Center
1900 E. 9TH Street
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731